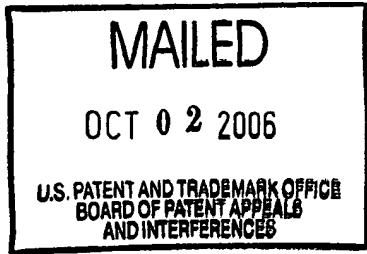


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte FRANK EDWARD JOUTRAS
and
RONALD J. HRUSKA, JR.

Application 09/379,851

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on September 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Order Returning Undocketed Appeal to Examiner was mailed on July 27,

2005. This Order requested that the Information Disclosure Statement (IDS) filed November 8, 1999 be considered. On August 18, 2005, an Office communication was mailed which stated:

The information disclosure statement filed 11/8/1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Unfortunately, copies of the non-patent literature were not found in the file.

On November 18, 2005, applicants resubmitted the IDS originally filed on November 8, 1999 and included copies of the non-patent literature. It is not apparent from the record whether the examiner considered the resubmitted statement submitted or notified appellants regarding why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for consideration of the IDS filed November 18, 2005, and written notification to appellants regarding the Primary Examiner's decision; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

DMS:psb

Vincent L. Carney
P.O. Box 80836
Lincoln, NE 68501-0836